
MEETING	AREA PLANNING SUB-COMMITTEE
DATE	6 JUNE 2013
PRESENT	COUNCILLORS MCILVEEN (CHAIR) (EXCEPT MINUTE ITEMS 4J), K) & R), GILLIES (VICE-CHAIR), DOUGLAS (EXCEPT MINUTE ITEMS 4C), I), J), K), R) & S)) WATSON, SEMLYEN (EXCEPT MINUTE ITEMS 4M) & Q)), LOOKER (EXCEPT MINUTE ITEMS 4A), B), H), K), M), R) & S)) GALVIN (EXCEPT MINUTE ITEMS 4C), I) J) L) R) & S)), CUTHBERTSON, WARTERS, FUNNELL (SUBSTITUTE FOR COUNCILLOR FITZPATRICK) AND REID (SUBSTITUTE FOR COUNCILLOR HYMAN)
APOLOGIES	COUNCILLORS FITZPATRICK, HYMAN & RICHARDSON

Site Visited	Attended by	Reason for Visit
Country Park, Pottery Lane, Strensall	Councillors Cuthbertson, Galvin, Gillies & McIlveen	To inspect the site and also as the application had been called by the Ward Member.
Fellini's, 11-12 Fossgate	Councillors Galvin, Gillies & McIlveen	As objections had been received and the recommendation was for approval.
St Trinity House, 3-4 Kings Square	Councillors Galvin, Gillies, McIlveen	At the request of the Ward Member, to assess the impact of the proposed change of use.
The Palace, Bishopthorpe Road	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	At the request of Councillor Watson due to concerns about possible harm that could be caused to the building.

15 Moor Lane, Haxby	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Warters	To inspect the site and also because it had been called in by Ward Members.
Former Car Repair Garage, Rear of 70-72 Huntington Road	Councillors Cuthbertson, Galvin, Gillies & Warters	As objections had been received and the recommendation was for approval.
64 Old Orchard, Haxby	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	To inspect the site as it had been called in by the Ward Member.
1 Ryedale Court, The Village, Haxby	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	To understand the objections of local residents within the context of the application site.
Royal Dragon, 16 Barbican Road	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	To inspect the site.
36 Church Lane, Nether Poppleton	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	To inspect the site as it had been called in by a Member over concerns to its impact upon the special character and appearance of the Listed Building.
Westholme, 200 York Road	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	For Members to assess the visual impact of development, the access arrangements and the impact on neighbouring residential amenity.
42 Oxford Street	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	As objections had been received and the recommendation was for approval.

6 Tamworth Road	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	To inspect the site.
3 Fourth Avenue	Councillors Cuthbertson, Galvin, Gillies, McIlveen & Watson	To inspect the site as it had been called in by the Ward Member over concerns of the loss of family homes.

1. **DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests not included on the Register of Interests that they might have in the business on the agenda.

Councillor Gillies declared a personal interest in Agenda Item 4f) (St Trinity House, 3-4 Kings Square) as he had purchased his house from the estate agents which used to occupy the building.

Councillor McIlveen declared a prejudicial interest in Agenda Item 4j (Former Car Repair Garage, 70-72 Huntington Road) as he was friendly with one of the objectors and had discussed development with her on the site last year. He withdrew from the meeting whilst this item was discussed.

Councillor Semlyen declared a prejudicial interest in Agenda Item 4q (Nicholas Associates Architects, 42 Oxford Street) as the applicant was a friend of hers. She also declared a prejudicial interest in Agenda Item 4m (Royal Dragon, 16 Barbican Road) as she owned a property directly behind the application site. She withdrew from the meeting during the consideration of these two items.

2. **MINUTES**

RESOLVED: That the minutes of the East Area Planning Sub Committee held on 2 May 2013 and the West and City Centre Planning Sub-Committee held on 9 May 2013 be signed by the Chair as a correct record.

3. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Committee.

4. PLANS LIST

Members considered a schedule of reports of the Assistant Director (City Development and Sustainability) relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

4a) Country Park, Pottery Lane, Strensall, York. YO32 5TJ (13/00760/FUL)

Members considered a full application by Miss Raquel Nelson for the use of land for winter storage of up to 30 touring caravans.

In their update to Members, Officers reported that since the publication of the agenda, further representations had been received from the Parish Council and a neighbouring resident. The Parish Council wished to support the recommendation for refusal on the basis that the development would be inappropriate in the Green Belt. The neighbouring resident raised concern at the continuing piecemeal nature of development at the site and the relationship with the application for siting a Manager's Chalet (Agenda Item 4b).

Representations in support were received from Mr Beal, the applicant's agent. He did not agree that the winter storage of caravans would detrimentally affect the Green Belt, as the storage was ancillary to the approved use of the site as a touring caravan park and the caravans will be well screened.

He commented that there would be no use of the stored caravans over the winter months, and that the applicants were in discussion to develop a sustainable water management scheme. He added that if Members were minded to approve the application that a condition for the applicant to work with the Foss Internal Drainage Board be added to planning permission.

Members were informed that from March the site would revert back to approved use as a touring caravan site and that the applicant hoped that visitors to the site would use the storage facility.

In response to questions from Members, the applicant's agent clarified that when the storage period ended in March, people who had stored their caravans over winter would have to come and collect them and take them away from the site. He also added that security arrangements for the site included the use of CCTV cameras and control gates.

RESOLVED: That the application be refused.

REASON: The use of the site for the winter storage of touring caravans between November and March each year would amount to inappropriate development in the Green Belt and would therefore be harmful to its openness contrary to Policy GB1 of the York Development Control Local Plan and Central Government planning policy in respect to the Green Belt set out in paragraph 89 of the National Planning Policy Framework.

4b) Country Park, Pottery Lane, Strensall, York. YO32 5TJ (13/00761/FUL)

Members considered a full application by Miss Raquel Nelson for the siting of a mobile home for use as a wardens lodge.

In their update to Members, Officers reported that since the publication of the agenda that further representations had been received from Strensall Parish Council and from a neighbouring resident.

The Parish Council questioned the need for the Manager's Chalet for security reasons and highlighted the lack of reported crime in the area. In addition they also questioned the siting of a static caravan in view of previous restrictions placed on the siting of static caravans at the site and its impact on the wider landscape. They also felt that a permanent presence was not necessary on the site and that accommodation could be provided within the existing "amenity" building.

The neighbouring resident also highlighted the use of the amenity building for warden's accommodation and the fundamental need for the accommodation, they also wanted to draw attention to the Mobile Homes Act 2013.

The Officer informed the Committee that the proposed accommodation was for a specific purpose related to the management and maintenance of the site as a touring caravan site and would not set a precedent for a change in the status of the wider site. The proposal also related to the operational needs of the site when fully in use, and so the lack of existing security was not considered to be relevant. In addition;

- The applicant was in the process of extending the landscaping at the northern edge of the site thereby mitigating the impact of the proposed chalet.
- Regarding the conversion of the existing building at the site, a partial change of use had been agreed to incorporate a site office and further conversion work would unreasonably compromise the level of amenities available to users of the site.
- The Mobile Homes Act 2013 primarily relates to the operational management of residential caravan sites or "park home" developments and is not relevant to the application.

Representations were received from the applicant's agent, Mr Beal. He reported that the applicant was happy to comply with the conditions listed in the Officer's reports.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance with particular reference to impact upon the open character and purposes of the York Green Belt and precedent for permanent residential occupation of the site. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and V5 of the City of York Development Control Local Plan and Government policy

contained within paragraphs 79-92 of the National Planning Policy Framework.

4c) The Villa, Main Street, Elvington, York. YO41 4AG (13/00769/FUL)

Members considered a full application by Mr Paul Lofthouse for the removal of conditions 7 (Code for Sustainable Homes) and 8 (renewable heat and electricity) of planning permission 10/01265/FUL for the erection of a dormer bungalow.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance with particular reference to principle of redevelopment, design, density, sustainability, character and amenity, residential amenity, flood risk and drainage, highway safety and impact on local facilities. As such the proposal compiles with national advice contained in the National Planning Policy Framework and Policies SP6, H4A, H5A, GP1, GP4A, GP10, L1C and T4 of the City of York Draft Development Control Local Plan (incorporating fourth set of changes April 2005).

4d) Fellini's 11-12 Fossgate, York.YO1 9TA (13/00742/FUL)

Members considered a full application by Mr Jamie Lawson for a change of use from restaurant (use Class A3) to public house (use Class A4) and replacement shop front.

In their update, Officers informed Members objections had not been made by English Heritage and that a premises licence to sell alcohol had been granted, subject to conditions requested by the Police and the Council's Environment Protection Unit (EPU). They suggested that if Members were minded to approve the application that a condition could be added to amend the opening hours.

Representations in objection were received from an adjacent neighbour, Andrew Dorse.

He informed the Committee that no public consultation had taken place when a noise assessment had been carried out. He questioned the level of noise from the public house as his property had single glazed windows. He also highlighted that an outside smoking area was not included in the application.

Further representations were received from a representative of York Conservation Trust, Philip Thake. He was not convinced that there was a demand for further drinking establishments in Fossgate and did not believe that the glass roof would muffle noise from music being played. In addition he felt that the Police Architectural Liaison Officer's report that said that there was likely to be little trouble from the premises, should not be used as a reason for acceptance.

Representations in support were received from the applicant's agent, John Howlett. He informed Members that the applicant had considered the historic nature of the building and had taken into account comments from objectors. Due to these comments, the proposed function room had now been altered to be the manager's accommodation. He also added that the applicant had commissioned an acoustic report, which outlined that the main receptor for music was Morrel Yard from the glazed roof at the back. Members were told that secondary glazing would help to mitigate this effect. In relation to the proposed noise emission condition, the agent asked that the issue be left to the premises licence rather than also being addressed by the planning permission.

Questions from Members to Officers related to the licensed hours for the restaurant and noise emission from the public house.

In relation to a noise emission condition, the agent informed Members that the applicant was informed that a condition would not be on the premises licence but could be added on to planning permission.

An Officer from the Council's Environmental Protection Unit informed the Committee that the results from the noise assessment showed that there would be an increase in the volume emitted from the public house but the suggested secondary glazing would be sufficient to muffle the increase in levels.

Some Members felt that the premises licence did not take into account residents' concerns, as they had not been informed about the licence.

Councillor Watson moved refusal and Councillor Douglas seconded the motion.

On being put to the vote this motion fell.

Other Members felt that the application should be approved as there were suitable safeguards and enforceable actions that could be taken should the amenity of residents be detrimentally affected.

Officers advised Members that if they were minded to refuse the application that they needed to demonstrate clearly that the increased noise level from customers in the street would be harmful to residents.

Councillor Galvin moved the Officer's recommendation for approval. Councillor Gillies seconded this.

On being put to the vote this motion was tied. The Chair used his casting vote for approval, as he felt that one of the suggested conditions in the Officer's report would ensure that music emanating from the premises would be inaudible outside the premises and within adjoining buildings.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended condition below;

3. The use hereby permitted shall not be open to customers outside the following hours -
Sundays and Bank Holidays 09:00-23:30
Monday to Saturday 09:00-00:30 (the following day).

REASON: The proposal, subject to the conditions listed in the Officer's report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of the city centre, the impact on heritage

assets and residential amenity. As such the proposal complies with Policies S3, S6, S7, GP1, HE3, and HE4 of the City of York Development Control Local Plan.

4e) Fellini's 11-12 Fossgate, York.YO1 9TA (13/00743/LBC)

Members considered a listed building consent application by Mr Jamie Lawson for a replacement shop front and internal alterations.

This application was considered at the same time as Minute Item 4d) (Fellini's, 11-12 Fossgate 13/00742/FUL).

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

4f) St Trinity House, 3-4 Kings Square, York. YO1 8BH (13/00626/FUL)

Members considered a full application by Leeds Brewery Company Ltd for a change of use of estate agents (use Class A2) to public house (use class A4) with manager's accommodation and new shop front.

In their update to Members, Officers suggested that if the Committee was minded to approve the application that a condition regarding the times of operation for the public house be amended from what had been originally requested by the applicants.

Representations in support were received from Michael Brothwell a representative for the applicant, Leeds Brewery Company. He informed the Committee that the brewery had worked closely with Council Conservation and Planning Officers and that the development was part of the proposed improvements to Kings Square.

He added that the public house would employ local people, and that members of the public would be able to see architectural features within the building that had been previously hidden from view.

Questions from Members to the applicant's representative related to whether the premises would contain TV screens, the level of catering and whether door staff would be employed.

The applicant's representative responded that TV screens would not be on the premises, and that the public house would actively try and have food as a high percentage of the turnover of the business. He added that in his opinion, the business would struggle if food was not at the heart of the operation of the public house. It was also reported that there would be a trained member of staff to perform door duties. Children would also be permitted inside the premises.

Representations in object were received from Doctor Roger Pierce. He raised several concerns to Members such as;

- That space above a shop nearby to the premises had been purchased for housing and this was not mentioned in the Officer's report.
- The need for assurances in writing regarding hours of operation and noise levels from the application.
- That mechanical sweepers could not get down the main entrance to clean the exterior of the building in the early morning.

Finally he felt that the application should be refused due to harm on the existing character of the area, for current and future residents.

Some Members asked if a condition relating to cleaning could be attached to planning permission if they were minded to approve the application. Officers confirmed that these types of conditions could not form part of a planning permission.

During discussion some Members felt that the application was a reasonable use of the building and that the internal layout would prevent it being used as vertical drinking establishment. Others felt that the use of a vacant building would positively contribute to the appearance of the area.

Others expressed concerns that the public house would have a detrimental effect on the square, as a performance area. They felt that the building should be used for retail purposes only.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended condition below:

3. The use hereby permitted shall not be open to customers outside the following hours -

Sunday to Wednesday 09.00 to 23.30
Thursday to Saturday 09.00 to 00.30 (the following day)

Reason: To protect the amenity of surrounding occupants and the character of the conservation area.

REASON: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of the city centre, the impact on heritage assets and residential amenity. As such the proposal complies with Policies S3, S6, GP1, HE3, and HE4 of the City of York Development Control Local Plan.

4g) St Trinity House, 3-4 Kings Square, York. YO1 8BH (13/00627/LBC)

Members considered a listed building consent application by Leeds Brewery Company Ltd for internal and external alterations in relation with conversion to a public house.

Discussion on this application took place at the same time as the application at Minute Item 4f) (St Trinity House, 3-4 Kings Square) (13/00626/FUL) took place.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the historic fabric of the listed building. As such the proposal complies with Policies GP1 and HE4 of the City of York Development Control Local Plan.

**4h) The Palace, Bishopthorpe Road, York. YO32 2QE
(13/00629/LBC)**

Members considered a listed building consent application by Church of England Church Commissioners for the installation of 2no. chandeliers in Great Hall following removal of 2no.plaster rose details on ceiling.

Representations were received in support from the building surveyor, Richard Dunn. He explained the need for the installation of the chandeliers, in that when functions (which he added were not commercial) were held in the Great Hall the lighting made it difficult for attendees to read meeting papers. He added that the removal of the plaster rose details from the ceiling would match the rest of the internal finish.

Questions from Members to the building surveyor related to the use of the removed plaster drops. The surveyor answered that 95% of the material of the plaster rose details would be retained and that a small tulip detail would be removed to strengthen the support for the chandelier. He added that it would also contribute to the further general structural support of the Great Hall.

Members felt that the proposed application would cause little intrusion and that the removal of the plaster rose details would not detract from the rest of the highly decorated ceiling.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the historic fabric of the listed building. As such the proposal

complies with Policies GP1 and HE4 of the City of York Development Control Local Plan.

4i) 15 Moor Lane, Haxby, York. YO32 2PQ (13/00455/FUL)

Members considered a full application by Mr Jacob Verhoef for an erection of bungalow to side.

In their update to Members, Officers stated that;

- The applicant had submitted drainage details, but these had yet to be approved by the Flood Risk Management Team.
- That the applicant would have to demonstrate that surface water could be adequately drained before development commenced.
- That they still had concerns about sight lines from the private access, and suggested a condition be added to restrict height, if the application was approved.
- That Council Highways Officers raised no objections to the access and egress arrangements to and from the site.

Representations in objection were received from a neighbour, Doctor Allan Harris. He objected to the application on the grounds of flooding, particularly given that the development site would be below the existing road level. He also added that previous flooding had affected his garden and 15 Moor Lane. Finally, he felt that the proposed building would be intrusive, and that sight lines and safety would be detrimentally affected.

Representations in support were received from the applicant's agent, Chris Dent. He informed the Committee that the owner of the property had not been seriously affected by flooding, because he had not made an insurance claim due to flood damage. He also clarified that there was a difference of one metre in height between the between the driveway of the house and other properties.

Some Members felt that the application should be refused because;

- Both sides of Moor Lane were subject to flooding due to the height of the water table.

- The application would constitute overdevelopment, because the building would take up one third of the available space on the site.
- It would be difficult to turn around to access and exit the property due to a rise in the road from the property, the traffic travelling at high speeds on Moor Lane would not ease this.
- The dwelling would be incongruous to the local surroundings.

Officers advised Members that as a previous application on the site had been refused by the Committee, new reasons for refusal would be deemed inappropriate. They recommended that if Members were minded to refuse the application that they use the same reasons that were used on the previous application.

RESOLVED: That the application be refused.

- REASON: (i) It is considered that the proposal would result in a development that would appear unduly cramped and out of proportion in relation to the size and shape of the plot, resulting in a development that would be incongruous in its surroundings. The proposal would thus unduly affect the visual appearance and amenity of the area, contrary to policies H4a, GP10 of the City of York Draft Local Plan and advice within section 7 'Requiring Good Design' of the National Planning Policy Framework.
- (ii) Insufficient drainage details have been submitted to show how foul and surface water generated by the proposal would be properly attenuated and how flood risk from all sources to the development itself and to others will be managed. The development therefore conflicts with policy GP15a of the Draft Local Plan and the Council's adopted Strategic Flood Risk Assessment.

**4j) Former Car Repair Garage, 70-72 Huntington Road, York.
(13/00349/FUL)**

Members considered a full application by Mr Alan Wrigglesworth for the erection of 4no. dwellings (resubmission).

In their update to Members, Officers stated that the Environment Agency had requested that an additional condition be added to planning permission to require the removal of the proposed flood gate at the entrance of the site in favour of individual flood gate/ doors. The submitted plans and the flood risk assessment had subsequently been amended to remove reference to the flood gate.

The Committee were informed that the Council's Conservation Officer had provided comments about the application. The Officer felt that design of the dwellings was somewhat disappointing, but it was acknowledged that the impact on the river corridor had been reduced as a result of the reduction in the size of the balconies and pulling back from the boundary. It was also acknowledged that the development would remedy the somewhat unsightly north-east boundary. Particularly in the context of the design and scale of the neighbouring Barratt development, the proposals should be regarded as having a neutral effect on the setting of the conservation area. The (design/materials) conditions should be attached to give sufficient control over the detailed design.

Officers also confirmed that details of the plans for development had been submitted. They suggested, if the application was approved that conditions be added in reference to the comments from the Environment Agency and the Conservation Officer, and relating to garage and bin storage details.

RESOLVED: That the application be approved subject to the conditions listed in the report, further provided details, suggested additional conditions and a Section 106 agreement.

2. The development hereby permitted shall be carried out in accordance with the following plans and submitted details:-

REA-017-013		Site/Location Plan.
REA-017-013	01A	Site Plan.

REA-017-013 02D Proposed Site Plan.
REA-017-013 03D Proposed Ground Floor Plan.
REA-017-013 04C Proposed First Floor Plan.
REA-017-013 05C Proposed Second Floor Plan.
REA-017-013 06C Proposed Third Floor Plan.
REA-017-013 07C Proposed Elevations (sheet 1 of 2).
REA-017-013 08C Proposed Elevations (sheet 2 of 2).
Flood Risk Assessment dated 3 June 2013

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

Additional Conditions:

- Individual flood gates should be Individual flood gates/water tight external doors should be fitted to each dwelling.

Reason: To ensure that possible future flood flows are not pushed onto others.

- Prior to the commencement of the development full elevations of the detached garage and bin store area shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority before the occupation of an dwelling on the site.

Reason: In the interests of visual and residential amenity

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledge importance, with particular reference to the principle of the development, highways parking and access arrangements, residential amenity, flood risk and drainage and open space provision. As such the proposal complies with Policies H4a, GP1, GP15a, L1c of the City of York Development Control Local Plan and advice within the National Planning Policy Framework.

4k) 64 Old Orchard, Haxby, York. YO32 3DT (12/03602/FUL)

Members considered a full application by Mr Stuart Haliday for a two storey side and single storey rear extension.

Officers informed Members that an objection to the application had been received from a next door neighbour on the grounds of overshadowing, loss of light, loss of privacy and security concerns.

RESOLVED: That the application be refused.

REASON: The side elevation of the proposed two-storey extension would be approximately 9m from the closest rear ground floor habitable room windows of 1 Cherry paddock and the structure would be in close proximity is unacceptable in the suburban location and the gable roof form and orientation to the south of number 1 would further exacerbate its impact. It is considered, therefore, that the proposal which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17) and policies GP1 (criterion i) and H7 (criterion d) of the 2005 City of York Development Control Local Plan.

4l) The Co-operative Group, 1 Ryedale Court, The Village, Haxby, York. (13/00802/FUL)

Members considered a full application by Tamp 'n' Swirl for a change of use from shop (use class A1) to coffee shop (mixed use class A1/A3) and external air conditioning units to the rear.

In their update to Members, Officers reported that two additional letters of objection had been received since the report had been published, which highlighted concerns already summarised in the report. An additional comment had been raised which related to a previous submitted letter which had stated that there was not currently a takeaway coffee facility in Haxby. It was clarified that takeaway coffee was available from at least one of the existing cafés in the area. It was also confirmed that the originally proposed tables and chairs outside the shop had been removed from the application.

Representations in support were received from Raymond Barnes, the applicant's agent. He informed the Committee that the property was currently empty and was not suitable or attractive for retail use due to its size. In response to concerns raised about parking, he felt that if the property reopened as a shop that parking concerns would remain. He added that the café would provide a service to working people who would walk rather than use their cars.

Some Members felt that objections relating to commercial competition were immaterial, and were not relevant to the determination of the application. They added that although there could be parking problems in the vicinity, the re-use of a vacant property should be encouraged.

Councillor Cuthbertson, the Ward Councillor, felt that the application should be refused. He considered that the application was an inappropriate development because the main street was narrow and constricted, which meant that the units were condensed and that access and egress were difficult.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the:

- Impact of the change of use on the primary shopping function of Haxby District Centre.
- Impact on the character and appearance of the Conservation Area.
- Impact on Residential Amenity.

As such the proposal complies with Policies S3a, S6 and HE3 of the City of York Development Control Local Plan.

**4m) Royal Dragon, 16 Barbican Road, York. YO10 5AA
(13/00379/FUL)**

Members considered a full application by Mr Z L Chen for a change of use of Upper Floors from Bed & Breakfast Accommodation (Class C1) to form Additional Dining Areas and Karaoke Rooms (Sui Generis) in association with Ground Floor Restaurant (resubmission).

In their update to Members Officers reported that;

- The application was retrospective.
- That the application had been amended and the application now related to 8 karaoke rooms on site.
- Three air conditioning units had been installed. This would now need a separate planning application and amendments would be required.
- It was reported that the installed acoustic panels could be removed and the area between the window and panel maintained.
- That if Members were minded to approve the application an additional condition could be added to permission relating to cleaning of the interior windows.
- That amended reasons could also be added on to Condition 3, 7 & 9.

Questions from Members to Officers related to the narrow corridors within the buildings in relation to fire exits. They also asked for clarification on where drinks would be served and if there were dining facilities on site.

Officers confirmed that the building regulations and the premises licence would cover concerns regarding access to the fire exits. They also added that customers would not be able to take up drinks served to them from the bar to the upper rooms, but would be served in the rooms. Customers would also not be eligible to use the karaoke rooms if they had not dined beforehand.

Representations in support of the application were received from the applicant's agent, Matthew Wyatt. He explained that the music would stop at 1am and that customers would have to leave the building by 1.30 am. Door staff would be employed, as specified by the premises licence.

He also felt that the venue would not be attractive for hen and stag parties, due to the catalogue which consisted of mainly Asian songs. He confirmed that the smoking area outside would be supervised by door staff and would be for use after midnight only. Before this time the car park could be used for smoking.

Discussion between Members focused around what conditions had been added to the Licence by the Licensing Committee, namely, that a substantial meal had to be eaten before using the karaoke rooms and that a receipt needed to be shown to prove this. They also discussed whether the venue would be disruptive to the local area. Officers from the Environmental Protection Unit (EPU), who were in attendance at the meeting, stated that a noise assessment had been carried out whilst karaoke was performed and showed that any noise emitted would be inaudible.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following additional and amended conditions;

Additional Condition: Within 3 months of the date of the permission a specification for the cleaning and maintenance of the interior of the windows (including frequency of cleaning and maintenance) behind the sound insulation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the specification shall be implemented in accordance with the agreed specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of the visual appearance of the building which is prominently located within the Central Historic Core Conservation Area.

Amended Reason for Conditions 3 & 9:

Reason: It is considered that the connection between the restaurant and use of the karaoke rooms is such that the use of the site would lead to the intensification

of the use of the site as a whole, and because of the close proximity between the site and existing residential dwellings it is necessary to protect the living conditions of adjacent residential occupiers in accordance with policy S7 of the Development Control Local Plan and advice within the National planning Policy Framework.

Amended Condition 7: The removal of *ancillary facilities* from the reason.

Amended Condition 9: Bottles and glass shall not be placed into bottle bins between the hours of 22:00 hours and 08:00 hours.

REASON: The proposal, subject to the conditions listed in the Officer's report and the amended and additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, and the impact on the character and appearance of the Central Historic Core Conservation Area. As such the proposal complies with Policies S7 and GP1 of the City of York Development Control Local Plan and advice within the National Planning Policy Framework.

**4n) 36 Church Lane, Nether Poppleton, York. YO26 6LB
(13/01040/FUL)**

Members considered a full application by Mrs M Van Tol for renovation and refurbishment of existing dwelling and associated barn.

Representations were received from the applicant, Mary Van Tol. She advised the Committee that she was renovating the property to make it into a suitable family home. She added that the footprint of the building would remain the same and that the building's current appearance would be retained apart from one window at the rear.

Further representations were received from a local resident, Quentin Macdonald. He felt that the proposed roof lights were too small and would not provide sufficient light for the barn.

Some Members welcomed the proposals for the building, but commented that it was not the Committee's role to redesign its features.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the character and appearance of the Nether Poppleton Conservation Area. As such the proposal complies with Policies HE2 and HE3 of the City of York Development Control Local Plan.

**4o) 36 Church Lane, Nether Poppleton, York. YO26 6LB
(13/01042/LBC)**

Members considered a Listed Building Consent application by Mrs M Van Tol for renovation and refurbishment of existing dwelling and associated barn.

In their update to Members, Officers reported that a further representation had been received which supported the application but expressed concerns at the requirement to reduce the size and number of roof lights on the rear elevation. They added that the application had been amended to alter the roof lights on the rear elevation in line with the Officer's recommendation. In addition, the Conservation Officer had also submitted comments regarding the historic importance of the building and stated that;

- they approved of the insertion of an additional window in the rear elevation as the benefit from bringing the property back into a beneficial economic use more than out-weighs the small degree of harm that would result.
- The loss of the small porch to the rear of the property was felt to have a minimal impact.

- The internal alterations were felt to be acceptable taking into account their reversibility and bearing in mind the need to keep the building in a viable economic use.

Officers also suggested that a number of conditions could be added to permission to safeguard the historic character of the building, should the application be approved. In response to a comment from a Member, Officers responded that in the reuse of historic buildings that a considered view needed to be applied, to balance out conserving aspects and updating aspects of the building.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following additional conditions;

5. Prior to the commencement of the development hereby authorised full details including material, depth and location, of the roof insulation of for the former barn shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the approved application details.

Reason: To safeguard the historic character and integrity of the Listed Building and to secure compliance with Policy HE4 of the York Development Control Local Plan.

6. Prior to the commencement of the development hereby authorised full details of the proposed intra floor sound insulation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the approved application details.

Reason: To safeguard the historic character and integrity of the Listed Building and to secure compliance with Policy HE4 of the York Development Control Local Plan.

7. All new partitions shall be scribed round cornices, moulding, skirting and other exposed timberwork and not cut through them.

Reason: To safeguard the historic character and integrity of the Listed Building and to secure compliance with Policy HE4 of the York Development Control Local Plan.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon historic character and integrity of the Listed Building. As such the proposal complies with Policies HE4 of the City of York Development Control Local Plan.

**4p) Westholme, 200 York Road, Haxby, York.YO32 3EX
(13/00660/FUL)**

Members considered a full application by Mr Daniel Gath for the erection of 5no. detached two storey dwellings with associated garages, access and landscaping.

In their update to Members, Officers reported that further discussions had taken place with the Flood Risk Management Team. It was reported that although the team still objected to the application they were satisfied that a solution could be found to ensure the proper drainage of the site.

Officers suggested that if Members were minded to approve the application that delegated powers be given to Officers to agree drainage details before a decision is issued. They also reported that an additional letter in objection had been received.

Representations were received from the applicant's agent, John Howlett. He commented that the site was a sustainable area for development and created its own identity.

Questions from Members to the applicant's agent related to the filling in of the pond on the site. He stated that he was not aware of any wildlife around the pond as it had already been filled in when he became involved with the application.

Officers added that they did not have any information about how the pond was filled in, but that investigations showed that the development itself would not adversely affect any protected wildlife in the vicinity.

Members felt that development on the site constituted overdevelopment and that the location of the houses at the end of the plot would have a detrimental impact on the character of the area.

RESOLVED: That the application be refused.

REASON: The application site is currently green, undeveloped and open and plays an important part in defining the attractive frontage development which characterises this part of York Road whilst providing an important space visually between developments to the south and west. Views are afforded across the site from numerous public vantage points in the surrounding area. The proposed development is considered to be of high density within this backland garden setting resulting in a cramped and overdeveloped appearance which does not respect the character and appearance of the area. The level of hardstanding combined with amount of built development is at odds with the existing character and form of the application site and surrounding area. In the long term it is considered that the proposed development would result in the loss of existing green landscaping, which contributes to the character and appearance of the area, given the density of development and the lack of space around the proposed dwellings. The proposed development fails to take the opportunities available for successfully integrating a new development into the site which takes account of the character and form of the area. The development imposes itself on the area and does not successfully integrate with the existing natural and built environment. The application therefore is considered to be contrary to the 2005 Development Control Local Plan Policies GP1

'Design' parts a), b) and c), GP10 'Subdivision of Gardens and Infill Development' and H4a 'Housing Windfalls' parts c) and d) as well as advice contained within the National Planning Policy Framework particularly paragraphs 53, 61 and 64.

**4q) Nicholas Associates Architects, 42 Oxford Street,
York.YO24 4AW (13/00577/FUL)**

Members considered a full application by Mr Martin Walker for a change of use to B1 (offices) and D1 (therapeutic massage) on upper floors.

Officers gave Members a brief history of planning matters on the site. It was reported that;

- A Certificate of Lawful Use application had been withdrawn in February 2013. The applicants provided a sworn statement that the upper floors had been used as offices since 1989.
- However, there was an objection on the grounds that business rates were not paid on the upper floors until 2005 and that in part the upper floor was only used for storage. The applicants were advised to instead apply for planning permission for the office use.
- The Council's Environmental Protection Unit (EPU) did not object to the application but had concerns regarding noise.
- EPU also requested that the use is restricted to ensure that it is only used for therapeutic massage and not changed to other uses within this use class in the future.

Representations in objection were received from a local resident, Adam Kent. He raised concerns about the application because;

- If approved a business centre would be created in a residential area.
- That the location of the building on a blind bend would be dangerous for customers and residents.
- There would be a loss of privacy due to the extended opening hours of the massage business.
- Asked that if permission be granted that proposed condition no.4 be amended to refer only to the use of an obscure film to the upper windows.

Officers advised Members that the objector's suggestion in respect of condition no.4 was reasonable.

Representations were received from Jo Bull, a therapist, who would use a floor of the building for her business. She informed the Committee that window screening was particularly important for the running of her business to ensure privacy.

In addition, the nature of the business meant that there would be varied hours of operation. She added that workshops that might take place within the building would emit minimum levels of noise, parking provision was sufficient on site, and other customers could easily access the office due public transport nearby.

Representations in support were received from Martin Walker the application. He informed Members that the upper floors were let out to small businesses and that there were a total of 6 off street parking spaces for customers. He admitted that there would be an element of overlooking from the building on to the street, but told Members that this was common in terraced buildings.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amendment to condition no.4;

4. Details of an internal obscure film to be applied to the bottom half of the upper floor windows on the side elevation shall be submitted to and approved in writing by the Local Planning Authority. The approved film shall be applied prior to the first occupation of the upper floors for the approved uses and shall be thereafter retained.

Reason: As a means of preventing overlooking from the upper floor windows, in the interests of residential amenity.

REASON: The proposal, subject to the conditions listed in the Officer's report, would cause undue harm to interests of acknowledged importance, with particular reference to the principle of the proposed use, residential amenity and highway safety. As such the proposal complies

with Policies GP1, H9 and C1 of the City of York Development Control Local Plan.

4r) 6 Tamworth Road, York. YO30 5GJ (13/00972/FUL)

Members considered an application from Mr and Mrs McCormick for a two storey side extension, single storey rear extension and porch to front.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance with particular reference to the effect on the amenity and living conditions of adjacent occupiers and the impact on the street scene. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

4s) 3 Fourth Avenue, York. YO31 0UY (13/00892/FUL)

Members considered a full application from Mrs Sarah Poole for a change of use from residential (use class C3) to house in multiple occupation (HMO) (use Class C4).

Officers recommended to Members that they defer a decision on the application because further investigation needed to be done in relation to the number of HMO's within 100m of the application site.

RESOLVED: That the application be deferred.

REASON: Until clarification is received of the number of HMOs within 100m of the application site.

5. OTHER REMARKS

Councillor Warters expressed concerns over the Council's records of the number of Houses in Multiple Occupation (HMO), in relation to assisting Members in determining planning applications.

Councillor N McIlveen, Chair

[The meeting started at 2.00 pm and finished at 6.35 pm].